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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision : 02.07.2025

Dhanesh Kumar @ D.K. Fauji

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Arjun Singh, Advocate,
Mr. Sandeep K. Sharma, Advocate
Ms. Saroj Kumari, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Abhinav Sood, Advocate and
Mr. Nitesh Jhahria, Advocate for the complainant.

H.S. Grewal, J.(Oral)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in FIR No.809 dated 14.12.2024, under Sections 316(2), 318(4), 336(3), 338, 340(2) & 317(2) of BNS, 2023, registered at Police Station Kundli, District Sonipat.

2. Learned counsel for the petitioner submits that it is the case of the prosecution that the complainant/Company had been duped to the tune of Rs.1.87 crores by stealing goods or short delivery of goods to the distributors. It is alleged that the drivers (co-accused), engaged through a third party, had stolen goods carried out in the transport vehicles and had sold the same in the market at a lower rate. The allegation against the petitioner is that he has permitted the drivers/transporters to unload the stolen goods which include



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edible oil i.e. Saffola God refined and Parachute hair oil at his premises/Dhaba. It is also alleged that there are certain call details between the petitioner and co-accused to implicate him in the present case. Learned counsel, however, submits that the petitioner has neither been named in the FIR nor has any dealing with the Company. He has been arraigned as an accused on the statement of co-accused and is in custody for 02 months and 06 days. He is not involved in any other case. He also submits that the trial is likely to take a long time, therefore, the petitioner be released on regular bail.

3. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner and submits that petitioner along with co-accused has caused huge loss to the Company to the tune of Rs.1.87 crores by cheating and theft. He has filed the custody certificate in Court which is taken on record. As per the custody certificate, the petitioner is in custody for 02 months and 06 days. He, upon instructions, submits that the investigation is going on and challan has not been presented so far. He also submits that 11 accused are still to be apprehended.

4. Learned counsel appearing for the complainant submits that in view of the huge loss caused to the Company, the petitioner is not entitled to the concession of regular bail.

5. I have heard the learned counsel for the parties and perused the record.

6. In view of the above submissions of learned counsel and the fact that the petitioner is in custody for 02 months and 06 days, he is not involved in any other case and the trial is likely to take a long time as challan is yet to be presented, therefore, the continuous detention of the petitioner would not serve

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the ends of justice. Keeping in view the facts and circumstances of the present case, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. However, it is made clear that the petitioner shall cooperate with the investigating agency, if required and in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

(H.S.GREWAL)
JUDGE

02.07.2025
A.Kaundal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No